

COMPLIANCE
WITH THE
FEDERAL ACT

Washington State
**Juvenile
Justice
Report
2004**

**ADULT JAILS, LOCKUPS
and HOLDING
FACILITIES**

The state must comply with the four core protections of the JJDP Act:

- Remove non-offending youth and status offenders, such as runaways or truant, from locked facilities. **(Deinstitutionalization of Status Offenders, or DSO)**
- Ensure complete sight and sound separation of youth from adult offenders in jails, lockups, and secure correctional facilities, when they are held. **(Separation)**
- Eliminate the confinement of juveniles in adult jails and lockups. **(Jail Removal)**
- Address juvenile delinquency prevention and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. **(Disproportionate Minority Contact, or DMC)**

The federal JJDP Act requires participating states to provide for an adequate system of monitoring, including the following types of facilities: adult jails and lockups, local juvenile detention centers, state juvenile training schools (institutions), and colocated facilities.

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State law prohibits the jailing of juveniles, unless the juvenile has been remanded to adult court (RCW 13.04.116). An alleged delinquent juvenile may be held in an adult jail or lockup for up to six hours, immediately before and/or after a court appearance, for the purposes of identification, processing, and to arrange for release to parents or transfer to a juvenile detention facility. Juveniles must be completely separate from sight or sound contact with adult prisoners.

Since 2003, data have been collected through a semi-annual self-reporting process; in prior years, an annual survey was distributed. Verification is conducted by on-site inspections, by an expert consultant (compliance monitor). In 2003, based on six-months' reporting, and verification by the compliance monitor, it was found that 70 juveniles were held in adult jails and lockups in violation of the federal JJDP Act. Almost three-fourths (71%) were violations of both the jail removal and DSO requirements of the federal JJDP Act, as status offenders were held in secure custody status in the jail or lockup. The majority of these violations were in city jails or lockups. The total jail removal violations were within the de minimus rate allowable for Washington State under federal JJDP Act regulations.

During 2003, a statewide inventory of law enforcement agencies was conducted by the Office of Juvenile Justice. As a result, in 2004 there has been a significant increase in the number of reporting agencies (holding facilities, lockups, and jails) from previous years. The state's compliance monitor has continued to provide extensive technical assistance to these agencies.

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JUVENILE DETENTION CENTERS

Each year the GJJAC, through their staff, works with the Juvenile Court Administrators of all local juvenile detention centers statewide to collect data on juveniles detained.

Data are collected by a self-reported survey and through JUVIS (the juvenile management information system, managed by the Administrative Office of the Courts). Verification is conducted by on-site inspection by members of the GJJAC, GJJAC staff, and Regional Program Development Unit members. There were over 4,000 admissions¹ of status offenders to juvenile detention facilities in 2003 for violations of a court order/proceeding related to a status offense (contempt of court finding). As federal law provides an exception for status offenders who violate a Valid Court Order (VCO),² these youth were not securely detained in violation of federal regulations (the VCO exception).

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SECURE CRISIS RESIDENTIAL CENTERS

Data for youth admitted to Secure Crisis Residential Centers (S-CRCs) are collected through a self-reporting process, and through the management information system operated by the Division of Children and Family Services, DSHS. On-site verification is conducted by the GJJAC's contracted compliance monitor. There were 66 total S-CRC beds in 2003, with nine facilities in operation (4 public, 5 private). There were approximately 2,500 admissions of youth to the nine S-CRCs in SFY 04 (July 03 to June 04). In SFY 03 there were almost 3,500 admissions, a 27 percent **decrease** in admissions from SFY 03 to 04.

In 2001, it was determined through GJJAC compliance monitors' findings and GJJAC staff analyses, that five of the nine facilities (those operated by private non-profit agencies) did not meet the federal definition for "secure facility" as described in recent federal guidelines. (However, these five facilities are physically secure as required under Washington State statutes, and by their licensure as Secure Crisis Residential Centers.)

There were approximately 1,100 admissions of youth to the four S-CRCs that are located within specific designated areas of juvenile detention centers in calendar year 2003. There were 384 violations of the removal of status offenders and non-offenders requirement (DSO) of the federal JJDP Act for these four facilities total in 2003, a 12 percent reduction from the total number of violations in 2002. These violations do not include youth placed in these four S-CRCs who were released within 24 hours, excluding weekends and holidays, or who received a judicial court review within 24 hours, excluding weekends and holidays, and who were released within an additional 24 hours after the review, excluding weekends and holidays.³

¹ Admissions with a detention stay of over 4 hours in duration.

² The VCO Exception provides that adjudicated status offenders found to have violated a valid court order may be securely detained in a juvenile detention or correctional facility.

³ Federal regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, excluding weekends and holidays, prior to an initial court appearance, and for an additional 24 hours, excluding weekends and holidays, immediately following an initial court appearance.

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Since October 2002, all four courts have provided a judicial court review within 24 hours, excluding weekends and holidays, for youth placed in their respective S-CRC (consistent with federal requirements). Additionally, one court (Snohomish County) provides an additional court hearing at 48 hours of the youth's placement.

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Washington State was found to be out of compliance with the DSO requirement of the federal JJDP Act in the spring of 2000, because the number of youth held in violation of the DSO requirement in S-CRCs exceeded the de minimus rate allowable for Washington State under federal JJDP regulations. The FFY 2000 through 2003 Formula Grant awards to Washington State were reduced by 25 percent of the annual allocation. The State was required to expend the remaining Formula Grant funds to fund programs that would assist in returning Washington State to a status of compliance with the DSO requirement (and to maintain compliance with the other three requirements of the federal Act).

Due to changes in the 2002 Reauthorization of the Federal JJDP Act, all states received their full Formula Grant Program award allocations in FFY 04. For FFY 05, the state was again found out of compliance with the deinstitutionalization of status offenders (DSO) requirement, and was notified in November 2004 that "Washington's FFY 2005 Formula Grant allocation will be reduced by 20 percent," and the state will be required to "spend 50 percent of its remaining Formula Grant funds on efforts to achieve compliance with the requirements with which it has been found out of compliance."

The GJJAC seeks to bring the state back into compliance, and to address the many needs of runaway youth, including assisting local jurisdictions in providing support and follow-up services to this population and their families.

All four courts are providing a judicial court review within 24 hours, excluding weekends and holidays, for youth placed in their respective S-CRC (consistent with federal requirements). It was also recommended that statewide judicial policy be established—in September 2003, the GJJAC submitted proposed versions of a court rule to the Juvenile & Family Law Committee of the Superior Court Judges Association (SCJA). GJJAC members drafted a revised court rule in March 2004, which was passed with a favorable recommendation by the Family & Juvenile Law Committee. The Superior Court Judges Association Board of Trustees did not take action on the proposed court rule.

The GJJAC compliance standing committee is now focusing on the protocol used by each of the four S-CRC juvenile courts. It is anticipated that the adoption of a local judicial policy, consistent with federal regulations, will reduce the number of DSO violations, as well as improve the juvenile justice system, provide due process protections for these youth, and move the state towards compliance in 2005.

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(continued)**

In addition, the GJJAC has addressed the status offender/non-offender priority area and compliance with the DSO requirement through grant awards to local communities. In 2003, the GJJAC allocated Formula Grant Program funds to Snohomish, Kitsap and Pierce Counties in order to directly address the needs of status offenders placed in the S-CRCs located within the Kitsap County and Snohomish County juvenile detention centers (the Kitsap county facility also holds placements from Pierce County). These two S-CRCs held the majority (84%) of placements in 2003 with regard to status offenders held in S-CRCs located within detention centers. The initial grant awards began April 1, 2004.

It is anticipated that the outcomes of these two targeted grant awards will not only significantly reduce the number of youth who are held in the S-CRC beyond 24 hours, after the initial 24-hour court review/hearing (reducing DSO violations), and reduce the number of youth returning to the facility, but will also include providing additional services and support for these youth and their families, and follow-up in the community.

Grant activities at these project sites provide additional transitional support services and follow-up for youth in the community, which may include crisis and family counseling, chemical dependency and mental health assessment and treatment, and educational assessment and advocacy.

In addition to the S-CRC projects, four communities received continuation funding in the runaways/status offender and non-offender priority area (for the July 2004 to June 2005 grant year). These four projects are located in Pierce, Walla Walla, Mason/Kitsap, and King counties.

The GJJAC will also continue to address the DSO and DMC priority areas through the Annie E. Casey Foundation funded "Juvenile Detention Alternatives Initiative" (JDAI) in Washington State. Five counties are participating as pilot sites to incorporate JDAI best practices in detention decisions, which will impact holding status offenders and non-offenders in secure confinement. The AECF grant is expected to continue for three years.

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